



August 10, 1999

Ms. Amy L. Sims
Assistant City Attorney
City of Lubbock
P.O. Box 2000
Lubbock, Texas 79457

OR99-2246

Dear Ms. Sims:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127245.

The City of Lubbock (the "city") received a written request for "any information on ownership or heirs associated with the property located at 2004 Ave. M." You state that the city has released some responsive information to the requestor. You seek to withhold other records, which you describe as "the title search . . . conducted by a law clerk under the direct supervision of a City attorney" pursuant to the attorney-client privilege as incorporated into section 552.107(1) of the Government Code.¹

Section 552.107(1) protects information coming within the attorney-client privilege. In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice to the client and the client's confidences. Open Records Decision No. 574 (1990). Basically factual information related from the attorney to the client normally does not come within the protection of section 552.107(1). *Id.*

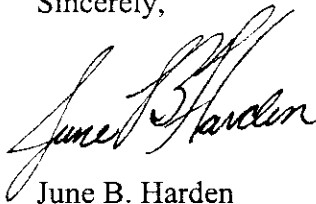
We have reviewed the documents you seek to withhold. We agree that the memorandum dated February 4, 1999 constitutes legal opinion and analysis that is protected from public disclosure pursuant to section 552.107(1). On the other hand, the attached "Title Search Summary Sheet" and two pages of handwritten notes consist solely of factual information

¹Although you also raise the attorney-client privilege in the context of section 552.101 of the Government Code, this privilege is more properly deemed to be an aspect of section 552.107(1), which protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." See Open Records Decision No. 574 (1990).

that does not come under the protection of the attorney-client privilege. Accordingly, the city must release these attachments to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref.: ID# 127245

Encl. Submitted documents

cc: Ms. Kerry Michaels
203 Country Club Drive
Lubbock, Texas 79403
(w/o enclosures)